



ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD



MINUTES – February 10, 2010

Regular Meeting

City Council Committee Room

9th Floor, Room 9081

**Albuquerque-Bernalillo County Government Center
400 Marquette NW, Albuquerque, NM 87102**

AQCB MEMBERS PRESENT

Mr. James Brinkman (County)
Mr. Jens Deichmann, Chair (County)
Mr. Augustine Grace III (City)
Dr. Margaret Menache, Vice Chair (County)
Mr. Jack Sullivan (City)
Dr. Dona Upson (City)

AQCB MEMBERS ABSENT

Mr. Louis Pacias, BCPC Liaison (non-voting)
Mr. Art Sharpe (City)

STAFF PRESENT

Mr. Neal Butt, Env. Health Scientist, AQD
Mr. Glen Dennis, Mgr. Vehicle Pollution
Mgt. Div. (VPMD)
Mr. Bill Grantham, Board Attorney
Ms. Donna Griffin, Assistant City Attorney
Ms. Adelia Kearny, Deputy City Attorney
Ms. Margaret Nieto, Env. Health Supervisor,
AQD

Ms. Anita Steed, Env. Health Scientist, AQD
Mr. Isreal Tavarez, Env. Eng. Mgr., AQD
Ms. Janice Wright, AQCB Liaison, AQD

VISITORS PRESENT

Mr. Dave Benavidez, Monkbridge NA
Mr. Jonathon Block, NM Environmental Law
Center
Ms. Kelsey Curran, Sandia National Labs
Ms. Carol Hanson, NMSU Student
Ms. Marcia Finical, Greater Gardner NA
Ms. Patty Grice, Mountain View NA
Mr. Jose Madera, GCC
Ms. Marla Painter, Mountain View NA
Ms. Kitty Richards, Bern. Co. Env. Health
Office
Mr. Kyle Silfer, Greater Gardner NA
Mr. Tim Van Valen, Brownstein Hyatt Farber
Schreck, LLP

Minutes

CALL TO ORDER

The meeting was called to order at 5:43 p.m. on February 10, 2010 with six Board members present. Board Chairman Jens Deichmann presided.

Item # 1 Approval of the Agenda.

Member Brinkman moved that the agenda be amended by placing Item #5 before Item #3, seconded by Vice Chair Menache. Motion was carried by a vote of 5-0.

A motion was made by Vice Chair Menache to approve the agenda as amended, seconded by Member Sullivan. Motion was carried by a vote of 5-0.

Item #2 Approval of the January 13, 2010 Meeting Minutes.

A motion was made to approve the minutes by Chairman Deichmann, seconded by Member Sullivan and the motion was carried by a vote of 5-0.

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

Item #5 Decision on *Motion to Disqualify Member Brinkman* regarding AQCB Petition No. 2009-7 (Resolution No. 2010-3)

(Member Grace arrived at 5:55 p.m.)

Chairman Deichmann asked the Air Board if they would agree to discuss this item prior to having a motion on the floor. Board Members agreed, and discussed their positions regarding the *Motion to Disqualify Member Brinkman*. A portion of the recording of the March 18, 2008 American Cement Corp. Public Information Hearing regarding proposed Air Quality Permit No. 0902-M2 was broadcast for the Air Board Members at the request of Member Upson.

Public comment was made by Ms. Marla Painter.

Ms. Adelia Kearny, Deputy City Attorney, pointed out a typographical error, which Chairman Deichmann stated would be corrected without an amendment to the Resolution.

Resolution 2010-3, *Decision on the Motion to Disqualify Member Brinkman Regarding AQCB Petition No. 2009-7* (Greater Gardner NA et al vs. City of Albuquerque, American Cement Corp., Intervenor) , which sustained the Motion was moved by Member Grace, seconded by Member Sullivan. The motion to sustain the *Motion to Disqualify* was carried by a vote of 5-0. Member Brinkman did not vote on this item.

Item #3 Decision on appointing a new Hearing Officer for AQCB Petition No. 2009-7 (Resolution No. 2010-1)

Resolution 2010-1, *Decision on Appointing an Alternative Hearing Officer for AQCB Petition No. 2010-7* (Greater Gardner NA et al vs. City of Albuquerque, American Cement Corp., Intervenor) was moved by Chairman Deichmann, seconded by Vice Chair Menache. The motion was carried by a vote of 5-0. Member Brinkman did not vote on this item.

Chairman Deichmann read a statement from Hearing Officer Felicia Orth polling Board Members regarding the potential revised deadline for Statements of Intent which the parties agreed to as March 1, 2010 rather than February 22, 2010. Hearing Officer Orth wanted to know if the March 1 deadline would allow Board members enough time to review prior to the hearing on March 9 and 10, 2010. The Board members expressed that the new date would not be a problem.

Item #4 Decision on whether to direct the Hearing Officer to issue a recommended decision within a period established by the board regarding AQCB Petition No. 2009-7 (Resolution No. 2010-2)

Resolution 2010-2, *Decision on Whether to Direct the Hearing Officer to Issue a Recommended Decision within a Period Established by the Board Regarding AQCB Petition No. 2009-7* (Greater Gardner NA et al vs. City of Albuquerque, American Cement Corp., Intervenor) was moved by Vice Chair Menache, seconded by Member Upson. The motion was carried by a vote of 5-0. Member Brinkman did not vote on this item.

Item #6 Acceptance of *2008 Regional SO2 Emissions and Milestone Draft Report* (Dec.18, 2009) -- Neal Butt AQD, EH Scientist

Mr. Butt presented the *2008 Regional SO2 Emissions and Milestone Draft Report* (Dec. 18, 2009), and he addressed questions from the Air Board.

Member Grace moved acceptance of the *2008 Regional SO2 Emissions and Milestone Draft Report* (Dec. 18, 2009), seconded by Member Sullivan. The motion was carried by a vote of 6-0.

REPORTS Division Report and monthly Air Quality website update. Staff available for questions.

The Air Board had no questions.

ADJOURNMENT Chairman Deichmann adjourned the meeting at 6:58 p.m.

NEXT SCHEDULED BOARD HEARING: March 9-10, 2010, Hearing to Address the Appeal of Modified Authority-to-Construct Permit #0902-M3 Issued to American Cement Corporation, Brought by Greater Gardner Neighborhood Association, North Valley Coalition of Neighborhood Associations, and Individuals Kyle Silfer, David Wood, and Marcia Finical, Docket No. AQCB 2009-7. Hearing to be held in the Albuquerque Convention Center, Cochiti/Taos Rooms, Westside building, basement level, at 401 2nd Street, NW, Albuquerque, NM.

NEXT SCHEDULED BOARD MEETING: March 10, 2010 5:30 p.m. Vincent E. Griego Chambers, Albuquerque-Bernalillo County Government Center.

SUBMITTED:

READ AND APPROVED:

Ms. Margaret Nieto
Board Secretary/Env. Health Supervisor, Control Strategies Section,
Air Quality Division, Environmental Health Department

Date

Mr. Jens Deichmann
Board Chair
Albuquerque-Bernalillo County Air Quality Control Board

Date